

June 2004

To the People of San Luis Obispo County

This Final Report is presented to you by the 2003-2004 San Luis Obispo County Grand Jury. It is the compilation of the major inquiries conducted during our service.

Each July the Superior Court for the County of San Luis Obispo impanels a Grand Jury to serve through the following June. Thirty candidates, including up to ten holdovers from the previous jury, are nominated by Judges of the Superior Court. The names, minus holdovers, are then drawn in a lottery-type process. The first nineteen, including holdovers, are sworn in and constitute the Grand Jury. Eleven alternates are chosen in the order in which they are drawn. At the filing of this report, the 2003-2004 Grand Jury consists of seventeen jurors, including three who were originally chosen as alternates.

The 2003-2004 Grand Jury represents a wide range of ages, from a young Cal Poly senior political science major, to residents well into their retirement. Our education and experience includes retired teachers, farmers, executives, a social worker, an employed technician, professionals, and a retired city manager, professor, and law enforcement officer. Most of the county geographical areas were represented. The commonality among jurors was the commitment and responsibility to the citizens of the county they represented. For many of us, serving as jurors was a significant education on how local government functions. It was also an opportunity to provide recommendations, where appropriate, for improvements.

Each juror participated on two committees that met at least weekly, and more often as the year progressed. The committees were: County, City, Law & Justice, and Health & Social Services. We also held weekly general session meetings, where the committees provided status reports and the Grand Jury deliberated on voting matters. A quorum of at least 12 members was always present for official voting.

Our inquiries were initiated by citizen complaints or by a juror, committee, or the Grand Jury as a whole. The 2003-2004 Grand Jury received nearly eight hundred citizen complaints concerning fifty different issues. These complaints were first referred to the appropriate committee to review and to conduct a preliminary investigation. If the complaint met the established criteria, the committee would recommend that the Grand Jury authorize further investigation.

Many complaints did not require action beyond the initial review. In some cases these complaints were not within our county or civil jurisdiction, or we determined that the issues could best be resolved through other avenues. Other reasons we did not pursue a complaint included: the matter was currently in the legal process, it was received too late in our term, or, in the judgment of the Grand Jury, it was not in the best interest of the community to pursue.

Grand Jury work was not confined to the jury offices. As you will read in our reports, jurors conducted numerous on-site inspections, including the required reviews of the California Men's Colony and the El Paso de Robles Youth Authority. We also met with many department heads, and visited the San Luis Obispo County Jail, Juvenile Hall, and Office of Emergency Services. Toward the end of our term, we toured the PG&E Diablo Canyon Power Plant.

In the course of our investigations, we interviewed more than 70 witnesses. We thank all those who contributed their time and energy in providing important information to us. The offices of both the District Attorney and County Counsel provided significant legal guidance for our investigations. Their responsiveness and thoroughness was greatly appreciated.

The California Penal Code requires that the Grand Jury submit a Final Report to the Presiding Judge of the Superior Court prior to the end of its term. As required, the judge approved this report prior to its publication.

For a report that includes findings and recommendations, elected county officers and heads of county agencies and departments must reply to the Presiding Judge within 60 days. The governing bodies of other public agencies, concerning matters under their control, must respond within 90 days.

The required responses are specified in Penal Code § 933.05, as follows:

(a) ... as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) ...as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Agency, Board of Supervisors, and other responses to Grand Jury findings and recommendations are required to be on file with the clerk of the public agency, the office of the county clerk, and the currently impaneled Grand Jury. We anticipate that the responses to this report will be available on the Grand Jury web site by the end of this year.

Myron Gilbert, Cambria
Foreperson

Cari Keane, San Luis Obispo

Ron Greenlee, San Luis Obispo
Pro Tem

Paul A. Knecht, San Luis Obispo

M.B. (Buff) Lawson, Los Osos
Secretary

Bette J. Kulp, San Luis Obispo

Stephen Allyn, San Luis Obispo

Ronald V. Magoffin, San Luis Obispo

John Brison, San Luis Obispo

Terry Mulhall, Atascadero

Jim Carson, Arroyo Grande

Earle Polinsky, Arroyo Grande

Carol Colclough, Pismo Beach

Joyce D. Short, Pismo Beach

David Cole, Morro Bay

Don Vickers, Arroyo Grande

Cosmo Insalaco, Arroyo Grande

